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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,688	12/13/2000	Haig Krakirian	PDT-7624	6523
23410	7590	11/01/2006	EXAMINER	
Vista IP Law Group LLP 2040 MAIN STREET, 9TH FLOOR IRVINE, CA 92614			MANNING, JOHN	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/734,688	Applicant(s) KRAKIRIAN, HAIG	
	Examiner John Manning	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 19-23, 30, 38-40, 56-61, 76, 77 and 90-98 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 19-23, 30, 38-40, 56-61, 76, 77 and 90-98 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/18/06 have been fully considered but they are not persuasive.

Applicant argues "First, Ellis does not teach or suggest converting the first video content to a format having a predetermined reduced size, wherein the predetermined reduced size occupies a major portion of the display". As previously stated Ellis teaches re-proportioning the current program screen area, which is clearly re-proportioned by an amount. As illustrated (Figs. 6A-8), the supplemental information always occupies a minority portion of the display (in the illustrated example the supplemental information is superimposed, but in the embodiment relied upon the information is re-proportioned). One of ordinary skill in the art would have concluded the supplemental information in the embodiment relied upon would occupy a minority portion of the display, which would provide the main program a major portion of the display.

Applicant argues "Furthermore, Ellis does not teach or suggest that the first video content is displayed on a first portion of the display, wherein the first portion is approximately 80% of the display". It is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the combined teaching so as have the "first portion" of the display occupy 80% of the display to allow the user to easily view the displayed video.

Applicant argues "Second, Ellis does not teach or suggest supplemental information displayed on a second portion of the display wherein the second portion of the display is separate from the first portion of the display". "Set-top box 34 can be directed to present program guide display 70 on main display screen 72. Set-top box 34 may re-proportion (i.e., shrink) the amount of screen area used by current program 77 (channel 5) such that main display screen 72 presents both program guide display 70 and current program 77 unobscured (not shown)" (Paragraph 0054). Ellis discloses that the supplemental information and the video content are unobscured. Given that the supplemental information and the video content are unobscured, there is no overlap. The supplemental information and the video content occupy separate portions of the screen.

Applicant argues "Ellis does not teach or suggest the limitations described above about requesting message and advertising information, nor does Ellis teach or suggest a converting data step that selectively converts specific portions of the supplemental information". Ellis discloses "While the program guide display is active, info key 53 may be used to invoke a detailed information screen to obtain more information about a particular video-on-demand program. The detailed information screen may contain an on-screen button that may be used to request a particular video-on-demand program" (Paragraph 0053). "Transmitted program information may also include advertising information and pay program data such as pricing information for individual programs including VOD programs and subscription channels, time intervals for ordering

Art Unit: 2623

programs and channels, telephone numbers for placing orders that cannot be impulse ordered, etc" (Paragraph 0044).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14, 19-23, 30, 38-40, 56-61, 76, 77 and 90-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US Pat App Pub No 2004/0226042).

In regard to claim 1, 38, 77 and 90, Ellis discloses an interactive television program guide where the viewer may direct a television to simultaneously display a selected television program and a program guide (abstract). The claimed steps of "displaying a first video content having an original size on a display", "converting the first video content to a format wherein the first video content is reduced in size from the original size and displayed on a first portion of the display", "converting data associated with the supplemental information to a format wherein at least one of textual content and graphic content representing at least a portion of the supplemental information is displayed on a second portion of the display different from the first portion of the display at the same time as the first video content is displayed on the first portion of the display"

and “wherein the first video content is reduced in size and displayed on the first portion of the display and the supplemental data is displayed on the second portion of the display in response to at least one command input from a user watching the display” are met by the system shown in Figure 2. “Set-top box 34 can be directed to present program guide display 70 on main display screen 72. Set-top box 34 may re-proportion (i.e., shrink) the amount of screen area used by current program 77 (channel 5) such that main display screen 72 presents both program guide display 70 and current program 77 unobscured (not shown). However, if desired, program guide display 70 may also be superimposed on top of a portion of current program 77 as shown in FIG. 6. This allows the viewer to simultaneously view video-on-demand program listings while viewing a television program on main display screen 72” (Paragraph 0054). The user does not control the size of the “first” or “second portion” of the display; therefore the reduced size of the major portion of the display is predetermined. “Program guide information 21 transmitted by main facility 22 to regional television distribution facility 26 may include television program listings data for current programs, future programs, and video-on-demand programs. The program listings data for each program may include (but is not limited to) the title of the program, the channel for the program, a scheduled broadcast time (start-time) and an ending time (or duration). Other typical program data may include ratings, critics ratings, brief text descriptions, genres (sports, movies, children, etc.), actors, etc. Transmitted program information may also include advertising information and pay program data such as pricing information for individual programs including VOD programs and subscription channels, time intervals for

ordering programs and channels, telephone numbers for placing orders that cannot be impulse ordered, etc”(Paragraph 0044). “An illustrative remote control 50 is shown in FIG. 5. During normal operation, play key 58 or VOD browse key 51 may be used to toggle the program guide display on and off the main display screen. Channel up and down keys (channel keys) 57 may be used to change the channel to which set-top box 34 is tuned. Up and down cursor keys 54a and 54b may be used to vertically scroll through the available video-on-demand programs on the program guide. Left and right cursor keys 54c and 54d may be used to change the video-on-demand program category. Select key 52 or Buy key 56 may be used to make selections such as when ordering video-on-demand programs by selecting one such program from the available program listings. Numeric keys 60 may be used to directly select a desired program during both normal television viewing or while browsing video-on-demand programs”(Paragraph 0052). The supplemental information is requested by the user via the remote control. Ellis discloses that the supplemental information and the video content are unobscured. Given that the supplemental information and the video content are unobscured, there is no overlap. The supplemental information and the video content occupy *separate* portions of the screen. Ellis fails to explicitly disclose that the “first portion” of the display occupy 80% of the display. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the combined teaching so as have the “first portion” of the display occupy 80% of the display to allow the user to easily view the displayed video.

In regard to claims 2, 20, 39 and 57, Ellis discloses the claimed limitation “the first video content is a television program which has been broadcasted and received by a television and the supplemental information is program information received by the television and relating to the television program”. “An illustrative program guide system 20 in accordance with the present invention is shown in FIG. 2. Program guide system 20 may include a main facility 22, a regional television distribution facility 26, and user television equipment 30. Main facility 22 (which may be multiple facilities 22) contains a program guide database 24 for storing program guide information 21 such as video-on-demand program guide listings data, ordering data, television program guide listings data, pay-per-view ordering information, television program promotional information, etc. Such information may be arranged by a source identification code or address 25 and may also include a “tag” or other designation 27 to further identify the program type (i.e., video-on-demand, pay-per-view, etc)” (Paragraph 0035). “Regional television distribution facility 26 is a facility for distributing television signals to viewers, such as a cable system headend, a local broadcast distribution facility, or a satellite television distribution facility” (Paragraph 0037).

In regard to claims 3-6, 21-23, 40, 57-61 and 76, Ellis discloses that the supplemental information is selectively converted based on user selections, where the supplemental information (such as channel and broadcast times) relates to television/video programs. “Program guide information 21 transmitted by main facility 22 to regional television distribution facility 26 may include television program listings data for current programs, future programs, and video-on-demand programs. The

program listings data for each program may include (but is not limited to) the title of the program, the channel for the program, a scheduled broadcast time (start-time) and an ending time (or duration). Other typical program data may include ratings, critics ratings, brief text descriptions, genres (sports, movies, children, etc.), actors, etc. Transmitted program information may also include advertising information and pay program data such as pricing information for individual programs including VOD programs and subscription channels, time intervals for ordering programs and channels, telephone numbers for placing orders that cannot be impulse ordered, etc" (Paragraph 0044).

In regard to claim 7, Ellis discloses the selective conversion of specific portions of the supplemental information relating to program information corresponding to one of the plurality of video programs in response to signals output from a user input device (see Claims 3-6). "An illustrative remote control 50 is shown in FIG. 5. During normal operation, play key 58 or VOD browse key 51 may be used to toggle the program guide display on and off the main display screen. Channel up and down keys (channel keys) 57 may be used to change the channel to which set-top box 34 is tuned. Up and down cursor keys 54a and 54b may be used to vertically scroll through the available video-on-demand programs on the program guide. Left and right cursor keys 54c and 54d may be used to change the video-on-demand program category. Select key 52 or Buy key 56 may be used to make selections such as when ordering video-on-demand programs by selecting one such program from the available program listings. Numeric keys 60 may be used to directly select a desired program during both normal television viewing or while browsing video-on-demand programs. While the program guide display is

active, info key 53 may be used to invoke a detailed information screen to obtain more information about a particular video-on-demand program. The detailed information screen may contain an on-screen button that may be used to request a particular video-on-demand program. Buy key 56 and/or OK key 55 may be used to activate the on-screen button and thereby order the video-on-demand program displayed on the detailed information screen. Exit to TV key 59 may be used to exit the program guide display and return to normal television viewing mode. Various other keys (not shown) may be used for functions such as controlling power, videocassette recorder. (VCR) functions, volume control, etc. The keys for remote control 50 of FIG. 5 represent just one illustrative example of a suitable remote control arrangement. Any other suitable remote control key arrangement may be used if desired" (Paragraphs 0052-0053).

In regard to claim 8, Ellis discloses program guide information data that includes information about channels on different channels and time slots. "Program guide information 21 transmitted by main facility 22 to regional television distribution facility 26 may include television program listings data for current programs, future programs, and video-on-demand programs. The program listings data for each program may include (but is not limited to) the title of the program, the channel for the program, a scheduled broadcast time (start-time) and an ending time (or duration). Other typical program data may include ratings, critics ratings, brief text descriptions, genres (sports, movies, children, etc.), actors, etc. Transmitted program information may also include advertising information and pay program data such as pricing information for individual programs including VOD programs and subscription channels, time intervals for

ordering programs and channels, telephone numbers for placing orders that cannot be impulse ordered, etc” (Paragraph 0044).

In regard to claims 9-11, the disclosed program guide information data and advertisements are messages that are intended to be conveyed to the user. The info key may be used to selectively convert the specific portion of the supplemental information (Paragraph 0044).

In regard to claim 12, Ellis discloses video content is represented by data from a server via a connection to the server. “In the arrangement shown in FIG. 2, a video server 29 may be included in distribution facility 26, which may contain a database 31 (FIG. 3) of video-on-demand programs for supplying those programs to viewers. Video server 29 (FIG. 3) may be comprised of any suitable digital, analog, or mixed digital and analog storage and retrieval system 33 that can provide viewer television equipment 30 with a video signal of a requested program. Such systems may include (but are not limited to) video cassette recorder (VCR) systems, digital versatile disc systems (DVD), laser disc systems, optical disc systems, magnetic tape and disc systems, and magneto-optical systems (such as a read/write digital disc systems), etc” (Paragraph 0038).

In regard to claims 13-14, the Ellis reference discloses a method of adjusting the size of video programming information as well as supplemental information in a program guide display where the video content displayed is retrieved on demand from a server. The reference fails to disclose the use of Internet with TCP/IP as a protocol. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use the

Art Unit: 2623

Internet TCP/IP protocol to provide far-reaching communications across interconnected networks, between computers with diverse hardware architectures and various operating systems. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Ellis with the use of Internet with TCP/IP as a protocol for the stated advantage.

In regard to claims 19, 30 and 56, see claims 1 and 38. The claimed limitations of a processor and memory are inherent to the reference.

In regard to claims, 91, 93, 95 and 97, Ellis discloses that the program information may also include advertising information (See Paragraph 0044).

In regard to claims 92, 94, 96 and 98, Ellis discloses receiving a user command to display message information (See Paragraphs 0052-0053).


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM
October 30, 2006



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